



UNITED STATES PATENT AND TRADEMARK OFFICE

MN

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,987	08/16/2004	Makoto Izawa	22040-00038-US1	4986

30678 7590 06/12/2007
CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON, DC 20036

EXAMINER

GELAGAY, SHEWAYE

ART UNIT	PAPER NUMBER
----------	--------------

2137

MAIL DATE	DELIVERY MODE
-----------	---------------

06/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/710,987

Applicant(s)

IZAWA ET AL.

Examiner

Shewaye Gelagay

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/17/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-6 have been examined.

Claim Objections

2. Claim 3 is objected to because of the following informalities: Claim 3 recites, "...without being performed any routing process" the claim language is confusing. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites, "...an encrypting process and a decrypting process on data to terminate encryption-based security between the encryption apparatus and the communications terminal having the encrypting capability". The claim language reads as both the encrypting and decrypting process terminate encryption-based security, it is unclear how an encrypting process terminates

encryption-based security. Applicant might have intended only the decrypting process is used to terminate encryption-based security between the two devices.

5. Claims 2-4 are also rejected for being dependent on a rejected claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi et al. (hereinafter Yamaguchi) US Patent Number 5,604,807.

As per claim 1:

Yamaguchi teaches a central encryption management system, comprising:

a plurality of communications terminals for performing data communications;

(Figure 12, items 53 and 55)

an encryption apparatus which can be connected between the plurality of communications terminals; (Figure 12, item 54)

the apparatus including encryption/decryption means for performing an encrypting process and a decrypting process on data to terminate encryption-based security between the encryption apparatus and the communications terminal having the encrypting capability; (Figure 12, item 76)and

a manager terminal for inputting various information for controlling encrypted-data communications into each of the encryption apparatus and the communications terminals remotely from the manager terminal over a network, so that settings for the encrypted data communications on each of the apparatus and the terminals are completed, wherein the various information includes at least one of the presence/absence of the encrypting/decrypting process, the communicability indicating that a packet is discarded between specific terminals, the encryption level, the time period for the encryption, the encryption policy for each division; (Figure 12, item 51; Figure 13; col. 3, line 62-col. 4, line 20; col. 12, lines 50-64; col. 13, line 60-col. 14, line 12)

wherein the plurality of communications terminals, the manager terminal, and the encryption apparatus are connected via a cable or wireless network. (figure 12, item 52)

As per claim 2:

Yamaguchi further discloses a central encryption management system wherein the encryption/decryption means performs the encrypting process and the decrypting process on data, so that the encryption apparatus receives and retransmits data in the form of encrypted data from and to the communications terminal having the encrypting capability, and the encryption apparatus receives and retransmits the data in the form of non-encrypted data from and to the communications terminal having no encrypting capability. (col. 12, lines 50-64)

As per claim 3:

Yamaguchi further discloses a central encryption management system wherein the encryption apparatus further includes bridge means for allowing data, which has been received with one of the plurality of ports of the encryption apparatus and then on which the encrypting or decrypting process has been performed, to be outputted as it is from another port without being performed any routing process. (col. 12, lines 50-64)

As per claims 4 and 6:

Yamaguchi further discloses a central encryption management system wherein the encryption apparatus further includes setting information storage means for storing the information inputted from the manager terminal, in which the inputted information is used when controlling the encrypting process and the decrypting process, and the encryption apparatus controls the encrypting process and the decrypting process by comparing the information stored in the setting information storage means with header information of a data packet of the data received with one of the plurality of ports. (col. 11, line 44-col. 12, line 45)

As per claim 5:

Yamaguchi teaches a central encryption management system, comprising:
a plurality of communications terminals for performing data communications;
(Figure 12, items 53 and 55)

an encryption apparatus having a plurality of ports which can be connected between the plurality of communications terminals, in which the encryption apparatus performs encrypting or decrypting process on data which has been received with one of the plurality of ports and then which has passed through a data link layer and a physical

layer, and the encryption apparatus outputs the encrypted or decrypted data from another port through a data link layer and a physical layer without passing said data to a network layer in which routing between networks is controlled; (Figure 12, item 54; col. 3, line 62-col. 4, line 20; col. 11, lines 17-52; col. 12, lines 50-64; col. 13, line 60-col. 14, line 12) and

a manager terminal for inputting various information for controlling encrypted-data communications into each of the encryption apparatus and the communications terminals remotely from the manager terminal over a network, so that a setting of each of the apparatus and terminals for communicating encrypted data is completed, wherein the various information includes at least one of the presence/absence of the encrypting/decrypting process, the communicability indicating that a packet is discarded between specific terminals, the encryption level, the time period for the encryption, the encryption policy for each division; (Figure 12, item 51; Figure 13; col. 3, line 62-col. 4, line 20; col. 12, lines 50-64; col. 13, line 60-col. 14, line 12)

wherein the plurality of communications terminals, the encryption apparatus, and the manager terminal are connected via a cable or wireless network. (figure 12, item 52)
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shewaye Gelagay whose telephone number is 571-272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shewaye Gelagay



EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER